

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

H.P. Technologies, Inc.	:	
	:	
Application for Licensure of	:	
Agents, Brokers and Consultants	:	11-0456
under Section 16-115C of the	:	
Public Utilities Act.	:	

PROPOSED ORDER

By the Commission:

I. PRELIMINARY MATTERS

On May 31, 2011, H.P. Technologies, Inc. ("Applicant") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority to operate as an agent, broker or consultant ("ABC") in Illinois pursuant to Section 16-115C of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., and 83 Ill. Adm. Code 454 ("Part 454"). Applicant requests authority to offer services as an ABC for the procurement or sale of retail electricity supply for third parties in the State of Illinois. The Administrative Law Judge requested additional information and clarification of certain matters contained in the application. The Applicant filed a response indicating that it is had filed an application with the Illinois Secretary of State to transact business in the State of Illinois. A review of the Secretary of State's web site fails to indicate, however, that the Applicant has been licensed to transact business in the State of Illinois. A Proposed Order was served on the Applicant.

II. REQUIREMENTS FOR ALL APPLICANTS UNDER SECTION 16-115C OF THE ACT

Applicant indicates it is a business, organized under the laws of Ohio; however, the Applicant failed to provide evidence showing that it is licensed to transact business in Illinois. Applicant has certified that it will comply with all applicable regulations; that it will comply with informational and reporting requirements established by Commission rule; that it will comply with informational and reporting requirements pursuant to Section 16-115C of the Act; and that it will comply with all other applicable laws, regulations, terms, and conditions required to the extent they have application to the services being offered by an ABC. Applicant has agreed to ensure that any person who acts on its behalf will comply with all applicable sections of Part 454. Applicant agrees that it will remain in compliance with the provisions of the Act and Part 454, and will ensure that authorizations received from customers, and all other applicable records are retained for a period of not less than three calendar years after the calendar year in

which they were created. Applicant has agreed to adopt and follow rules and procedures to preserve the confidentiality of its customers' data.

III. FINANCIAL, TECHNICAL, AND MANAGERIAL REQUIREMENTS OF SECTION 16-115C

Applicant provided, pursuant to the requirements of Section 454.80 of Part 454, a surety bond in the amount of \$5,000 issued by a qualifying surety authorized to transact business in Illinois.

Applicant is required by Part 454.60 to demonstrate that it meets the managerial qualifications necessary to provide services as an ABC. Applicant must further provide an organizational chart that indicates the position of persons which satisfy the managerial qualifications. Applicant has demonstrated that it meets the managerial qualifications set forth in Part 454.60, as demonstrated in the application. The application includes an exhibit containing a corporate organizational chart and identifying the persons who are being used to meet the requirements of Part 454.60(a). The application includes an exhibit containing occupational background information on the person or persons who are being used to meet the requirements of Part 454.60(a).

Applicant is required by Part 454.70 to demonstrate that it meets the technical qualifications necessary to provide services as an ABC. Applicant has demonstrated that it meets the technical qualifications set forth in Part 454.70 with the information provided. The application includes an exhibit containing occupational background information on the person or persons who are being used to meet the requirements of Part 454.70(a).

The Applicant indicates in its application that it is licensed in Ohio as a broker/marketer of natural gas, and an aggregator of natural gas. The Applicant further indicates it has not had any complaints filed against it for its provision of services in the gas or electric industry.

Applicant further agrees to comply with the Code of Conduct for ABCs contained in Section 454.90.

IV. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY

The Commission has reviewed the application and attachments provided by Applicant regarding the technical and managerial requirements and all other requirements of the Act and Part 454 and finds that the Applicant has failed to sufficiently demonstrate compliance with the requirements. The Commission notes that the Applicant has failed to provide information showing that it is registered to do business in the State of Illinois.

The Commission concludes, therefore, that Applicant's request for a certificate of service authority to operate as an ABC in Illinois should be denied.

V. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having reviewed the entire record, is of the opinion and finds that:

- (1) Applicant, H.P. Technologies, Inc., organized under the laws of Ohio, seeks a certificate of service authority to operate as an agent, broker or consultant under Section 16-115C of the Act;
- (2) the Commission has jurisdiction over the party hereto and the subject matter hereof;
- (3) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) Applicant has failed to demonstrate that it is qualified to provide services as an agent, broker or consultant for the procurement or sale of retail electricity supply to third parties in the State of Illinois;
- (5) Applicant has failed to comply with Section 16-115C of the Act and Part 454; and
- (6) H.P. Technologies, Inc. is therefore denied a certificate of service authority to operate as an agent, broker or consultant as specified in this Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that H.P. Technologies, Inc. is hereby denied a Certificate of Service Authority authorizing it to operate as an agent, broker or consultant.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

Dated: August 18, 2011

Briefs on Exceptions to be filed by September 2, 2011

J. Stephen Yoder
Administrative Law Judge